

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 9021 Jimmie and Thelma Deoudes, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. William F. McIntosh not voting, the following Order was entered at the meeting of the Board on November 29, 1966.

ORDERED:

That the appeal for permission to change a nonconforming use from a warehouse exceeding 2,500 square feet to an auto repair shop or variance from use provisions of the R-4 District to permit same at the rear of 1244-48 Florida Avenue, NE., lot 819, square 4069, be denied.

FINDINGS OF FACT:

- (1) Appellants property is located in an R-4 District.
- (2) The site in question is a two story brick building at the rear of lots fronting on Florida Avenue, NE. The building is located on a public alley 20 feet wide.
- (3) It is proposed to use the building to repair automobiles. The building has previously been used as a warehouse.
- (4) The prospective tenant would operate the repair shop and would have no other employees.
- (5) Opposition to the granting of this appeal was registered at the public hearing and a petition signed by 25 residents of the neighborhood who opposed the appeal was presented. The objections were that the proposed shop would access to the resident's garages and rear yards, that the shop would cause congestion in the public alley, and that such a shop would promote health hazards and unclean conditions.

OPINION:

We are of the opinion that this appeal must be denied on both grounds requested, either as a change of a nonconforming use or as a variance of the use provisions of the R-4 District. A repair garage for automobiles is not a use compatible with a residential neighborhood. Such a use, in our view, would have an

adverse affect upon the present character and future development of this neighborhood.

Further, we can make no finding that such a facility will be a neighborhood facility and is reasonably necessary and convenient to the residents that it is designed to serve.

Although this structure cannot be used as a residence, we can find nothing to support a variance from the use to permit a repair shop for automobiles. In order to grant such a variance, we must at least conclude that the requested use would have no adverse impact upon the residential character of the neighborhood. We cannot make such a conclusion about a repair shop.